RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEAN HILLER

Appeal 2007-3224
Application 09/457,420
Technology Center 2100

Oral Hearing Held: October 23, 2007

Before KENNETH W. HAIRSTON, LEE E. BARRETT, and ROBERT E. NAPPI, Administrative Patent Judges

ON BEHALF OF THE APPELLANT:

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The above-entitled matter came on for hearing on Tuesday, October 23, 2007, commencing at 1:50 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, 9th Floor, Alexandria, Virginia, before Dawn A. Brown, Notary Public.

THE USHER: Calendar Number 16, Mr. O'Dowd.

MR. O'DOWD: Good afternoon.

JUDGE HAIRSTON: How are you today?

MR. O'DOWD: Good, good. Is there a conspiracy? I always seem to be last.

JUDGE HAIRSTON: Save the best for last.

JUDGE NAPPI: Got to hear them all.

MR. O'DOWD: That is true.

JUDGE HAIRSTON: Gives you more time to prepare.

MR. O'DOWD: A little time to stew about things.

Thank you for your time today. Just a little background on this invention.

Prior to its filing date, using a browser, the user will send a string of characters indicating a site name, URL, to a domain server, and the server will look for the exact, match and if an exact match is found, it will potentially send that off to another computer. But in the end, what it is looking for is an exact match and IP address.

Once the IP address is found, that is sent back to the browser. The browser at the user's computer then sends out the URL to the IP address to what we can refer to as, you know, a main server, something like first.com. And that server will take that address and respond with the requested information.

So that is leading up to the filing of this application. DNS server looking for an exact match, sending back an IP address for facilitating Web browsing.

The claim requires you retrieve a regular expression at the domain

name server, and you make a comparison at the domain name server of the regular expression with the Internet site name that has been provided to you. The benefit of this is that a multitude of site names can be associated with a single IP address through the use of the domain name server, a much quicker match.

The examiner has cited three references against us in a 103 rejection.

JUDGE HAIRSTON: Well, you said "associated site names." The claim says "similar."

MR. O'DOWD: Sorry. Multiple similar site names.

JUDGE HAIRSTON: You said "associated." Give me an example of something associated.

MR. O'DOWD: I'll give you an example of what was intended, and that is if the -- what was intended is that you would have a phone number, a ten-digit phone number that is assigned to me, and you have a ten-digit phone number assigned to you.

And so when someone is seeking to access information on me or you, they would type in www.ten-digit string of numbers .abbra.com, the company, and send that out.

The idea here is that abbra.com will be the go-to site for your number.abbra.com, my number.abbra.com, and any ten-digit number.abbra.com, the domain name server to provide information sent by request by the browser.

JUDGE BARRETT: Do I send my name?

MR. O'DOWD: Your name.

JUDGE BARRETT: I send my phone number -- no, I don't send my phone number.

MR. O'DOWD: If you want to access Mr. Hairston, you type into your Web browser www.his ten-digit number.abbra.com and send.

The DNS server is going to take that entity and it is going to compare it to a regular expression, and because there is a regular expression designating abbra.com along with ten digits in front of it, there will be a response to you of, this is the website.

And you don't normally see it with your Web browser, but the response is an IP address. Your Web browser will then send a request to the appropriate IP address at abbra.com to provide the requested information.

So in the case of Mr. Hairston's phone number, going further with this example. Mr. Hairston has a website on abbra.com linked to his phone number, that is what is going to come back to you.

If there is no phone number, for instance you dial a nonexistent phone number, the abbra.com system will receive your request, understand that you are not referring to me, and will provide back some information to you. You're trying to locate a party at abbra.com. The number you typed in is incorrect. How can we help you find this person?

JUDGE BARRETT: But the regular expression is still a ten-digit phone number.abra.com. Is that the same kind of lookup as a DNS regularly does?

MR. O'DOWD: The DNS would look for abbra.com. And by you adding those numbers in front of you, the DNS will, and systems prior to the filing of the application, will return a message indicating there is no such site. And so you will get an error message similar to what you get today when you type in a website that doesn't have an address.

So the examiner has cited three references against us. Farber is the

main reference. In particular, she is citing two, Columns 7 and 8, and I don't know if you've had a chance to look at Farber.

JUDGE HAIRSTON: We have.

MR. O'DOWD: At the top of 7, you have what I would refer to as a prior art, specifically says this is a description or a process where no reflector 108 is installed. So the reflector is the key component of Farber's invention. So to go through steps A1 through A8, and I believe these steps are pretty much in line with what I just described to you as how a DNS lookup works.

If there is a match for the URL that has been typed in, then an IP address will be sent back to the browser. The browser will access the origin server that IP address points to, and will download the information from that origin server.

As you move down 7, down to system operation, at line 35, you then get into what Farber's invention is. What Farber is saying is, I'm going to insert a reflector that is going to take the place of the origin server.

And so in B1, it talks about the request, it could be a request from a browser, the reflector looks up the requested resource in a table called the rule base to determine whether the resource requested is repeatable.

And it goes on further to say the rule base --

JUDGE HAIRSTON: By repeatable, it could be sent to another repeater? Is that what it means? It means one of the repeaters, A, B or C could handle it if it is repeatable; is that what they mean?

MR. O'DOWD: I believe that is correct. But, again, the origin server is what is going to be doing this regular expression comparison. So if you go back to steps A1, A2 and A3, in the operation of the invention, you're

going to send out a URL. The URL is going to go to the DNS.

The DNS is going to look for an exact match. It is going to find an exact match. It is going to send back to the browser an IP address, and the browser is going to send a get request to the reflector.

And the reflector is going to do a regular expression comparison of the URL to a regular expression and will then handle the request in a manner it deems fit as shown in the rest of column 8.

So the examiner says that Farber shows retrieving a regular expression stored in a domain name server and performing a comparison of the Internet site and the regular site at the domain name server.

User limitations, specifically in Claim 1, and other independent claims, but as you can see from Farber there isn't that retrieving of the regular expression, and there isn't that comparison at the domain name server. Instead, it is done at the origin server.

JUDGE BARRETT: Does the name make a difference? The fact that it is a reflector server versus a DNS server?

MR. O'DOWD: You know --

JUDGE BARRETT: Because it is doing the same function as the --

MR. O'DOWD: No. I'll say why. The domain name server is akin to a phonebook. I need to reach you, Mr. Barrett. I'm going to get a phone book and look up and find your name. It is going to come back to me with a number of 202, dot, dot, dot, and I'm going to dial that number. And the system at your end is going to pick up, that is the origin server. That is going to pick up that number.

Now, maybe the origin server says that when someone comes in and dials 202, dot, dot, dot, or, you know, Mr. Barrett forwarded that call to Mr.

Barrett's cellphone, send him a text message et cetera, et cetera, et cetera, that is all being doing there. We're talking about the phonebook. We're talking about a computer system. We're talking about that first step in the process.

The examiner also cited Jerger and Schneider. Now, Jerger, the examiner has taken a position that Jerger makes up for a deficiency in Farber identifying an Internet protocol address for multiple similar site names. Now, Jerger is akin to what we see today, referred to as anti-fishing software.

And so Jerger, in Figure 2, provides an element 222, called Internet security manager. And this is the location of the, you know, the material that the examiner has pointed to. It is clearly within the browser as shown in Figure 2.

What that is doing is it is going to look at the URL that you're typing in, and it is going to make a decision as to whether that is a valid URL or not at the browser.

In fishing context, seek to access a website such as Amazon.com to type in a password and user ID, instead you're being redirected to scandalous-individual.com, who has prepared a log-in screen that looks just like the Amazon.com site to fool you into typing in your user name and password and then start to access the Amazon.com site to start making purchases in your name.

How do you prevent that? Systems such as the one in Jerger, it looks at that and says this is the URL you want to go to, this is an appropriate URL for you to go to. We're not going to allow you to send your requests to the DNS server. You never hit it. Stay in the realm of the browser.

Schneider, the third reference, is cited for the limited purpose of showing regular expressions such as the specific ones that are cited in the deep-ended claims. But, again, does not show regular expression comparisons at the DNS server.

So looking at the examiner's rejection, the factual underpinnings of the rejection is that Farber shows a comparison at the DNS or a treatable or regular expression at the DNS. That is clearly not the case. And since those factual things are incorrect, the reasoning behind the obvious rejection is flawed, and we would submit that the rejection should be reversed by the Court.

JUDGE HAIRSTON: Is that it?

MR. O'DOWD: That is all I have.

JUDGE HAIRSTON: Thank you.

(Whereupon, the proceedings at 2:04 p.m. were concluded.)